

House File 756 - Introduced

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 10)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act restricting the presence of a registered sex offender on
2 the real property comprising a school or child care facility
3 and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1858HV 82
6 jm/je/5

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1 1 Section 1. NEW SECTION. 692.3A PRESENCE ON THE REAL
1 2 PROPERTY COMPRISING A SCHOOL OR CHILD CARE FACILITY ==
1 3 RESTRICTION.
1 4 1. A person required to register under this chapter who
1 5 has been convicted of a criminal offense against a minor, or
1 6 an offense involving a minor that is an aggravated offense,
1 7 sexually violent offense, or other relevant offense, shall not
1 8 be knowingly present on the real property comprising a public
1 9 or nonpublic elementary or secondary school or child care
1 10 facility, unless subsection 2 applies or any of the following
1 11 apply:
1 12 a. The person is transporting a minor who is a child of
1 13 the person to or from the school or child care facility.
1 14 b. The person is attending a parent=teacher conference
1 15 regarding a minor who is a child of the person.
1 16 c. The person has been summoned to discuss the academic or
1 17 social progress of a minor who is a child of the person.
1 18 d. The person is voting at the school or child care
1 19 facility during the hours designated to vote.
1 20 2. If the person intends to be present for any other
1 21 reason not enumerated in subsection 1, the person shall first
1 22 notify the administrative offices of the public or nonpublic
1 23 elementary or secondary school or child care facility that the
1 24 person intends to be present on the real property comprising
1 25 the school or child care facility, and the person shall
1 26 receive written permission from the school or child care
1 27 facility prior to entering onto the real property comprising
1 28 the school or child care facility.
1 29 3. A person who commits a violation of this section
1 30 commits an aggravated misdemeanor.
1 31 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 32 3, shall not apply to this Act.

EXPLANATION

1 34 This bill restricts the presence of a registered sex
1 35 offender on or near the real property comprising a school or
2 1 child care facility.
2 2 The bill provides that a registered sex offender who has
2 3 been convicted of a criminal offense against a minor, or an
2 4 offense involving a minor that is an aggravated offense,
2 5 sexually violent offense, or other relevant offense, shall not
2 6 be present on the real property comprising a public or
2 7 nonpublic elementary or secondary school or child care
2 8 facility. However, the bill provides exceptions: (1) a sex
2 9 offender may be present on school or child care facility
2 10 property if the sex offender is transporting the offender's
2 11 child to or from school or a child care facility, the offender
2 12 is attending a parent=teacher conference, the sex offender is
2 13 summoned to discuss the academic or social progress of the
2 14 offender's child, or the sex offender is voting in an election
2 15 during the designated hours to vote; (2) if a sex offender is
2 16 to be present on the real property of a school or child care
2 17 facility for any other reason, the sex offender must first

2 18 receive written permission from the administration of the
2 19 school or child care facility prior to entering onto the
2 20 property.
2 21 A person who violates the bill commits an aggravated
2 22 misdemeanor.
2 23 An aggravated misdemeanor is punishable by confinement for
2 24 no more than two years and a fine of at least \$625 but not
2 25 more than \$6,250.
2 26 The bill may include a state mandate as defined in Code
2 27 section 25B.3. The bill makes inapplicable Code section
2 28 25B.2, subsection 3, which would relieve a political
2 29 subdivision from complying with a state mandate if funding for
2 30 the cost of the state mandate is not provided or specified.
2 31 Therefore, political subdivisions are required to comply with
2 32 any state mandate included in the bill.
2 33 LSB 1858HV 82
2 34 jm:rj/je/5